

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LORI MCKINNEY,

Plaintiff,

v.

MICHAEL VILLALVA, and MAUREEN
VILLALVA,

Defendants.

Case Number: 10-11581

HON. MARIANNE O. BATTANI

**ORDER DENYING PLAINTIFF'S VERIFIED MOTION FOR EX PARTE
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Before the Court is Plaintiff Lori McKinney's Verified Motion for Ex Parte Temporary Restraining Order and Preliminary Injunction. For the reasons that follow, the Court denies Plaintiff's motion.

The same factors are considered in determining whether to grant a request for either a temporary restraining order or a preliminary injunction. Ohio Republican Party v. Brunner, 543 F.3d 357, 361 (6th Cir. 2008). Those factors are:

- (1) whether the movant has a strong likelihood of success on the merits;
- (2) whether the movant would suffer irreparable injury without the injunction;
- (3) whether issuance of the injunction would cause substantial harm to others; and
- (4) whether the public interest would be served by the issuance of the injunction.

Certified Restoration Dry Cleaning Network, L.L.C. v. Tenke Corp., 511 F.3d 535, 542 (6th Cir. 2007).

In her motion, Plaintiff appears to base her request for injunctive relief on the fact that Defendants have allegedly used fraud to procure judgments and orders against Plaintiff in other courts. As such, Plaintiff asks this Court to prevent, among other things, the collection of judgments and debts, the enforcement of prior and future court orders against her, and the commencement of contempt proceedings against her in other courts.

After review of Plaintiff's motion, the Court does not find that Plaintiff's challenge to these other judgments has a strong likelihood of success on the merits. Cf. Celotex Corp. v. Edwards, 514 U.S. 300, 313 (1995) (finding that a party's choice to collaterally attack a bankruptcy court ruling instead of proceeding through the appropriate stages of appellate review could not be allowed because it would "seriously undercut[] the orderly process of law."). Accordingly, Plaintiff's motion is **DENIED**.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: July 9, 2010

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff and counsel of record on this date by ordinary mail and electronic filing.

s/Bernadette M. Thebolt
Case Manager